IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 36 OF 2006

SHRI NATHA ARJUN NARVEKAR, BICHOLIM GOA. ....Appellant

Versus

SHANTADURGA SANGODKARIN MAHAJAN AND 4 ORS., ...Respondents

Mr. Valmiki Menezes, Advocate for the Appellant.

Mr. S.D. Lotlikar, Sr. Advocate with Mr. R. Menezes, Advocate for the Respondent No.1.

Coram:- S.K. SHAH, J.

Date:- 23rd February, 2007

P.C.:

Heard Counsel on both sides.

There is concurrent finding of facts by the Courts below. No substantial question of law is involved in this appeal. The learned Counsel for the Appellant submitted that the issue with regard to tenancy was required to be framed by the Courts below and that the same was not framed and he therefore requests that the same be framed now. However, this aspect has been very well considered by the Trial Court and confirmed by the lower Appellate Court. In fact, there was no material pleading raised by the defendant No.4 to show that he was a tenant. The defendant No.4 had also not made any specific application to any of the Courts below to frame that issue. I have also gone through the observations made by the Trial Court and also gone through the pleadings raised by the defendant No.4 and I do not think that such an issue with regard to tenancy was in any way substantially raised in the written statement.

Under the circumstances, I do not find any merit in the appeal and the appeal is dismissed.

S.K. SHAH, J.

sl.